

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
March 19, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, March 19, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Dr. Jeffrey Trimble from Rising Sun Baptist Church gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Wiggins led the Pledge of Allegiance.

**HIGHWAY MATTERS**

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation, (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He indicated that manuals had been sent to the Board members to help outline some of VDOT's policies and functions. He announced that VDOT's pre-allocation hearing would be held on April 12 at the Hampton Roads District Office.

Mrs. Noll expressed her pleasure that the Grove interchange was now open.

Mr. Burgett asked about funding for the paving schedule and when that information would be available.

Mr. Mazur stated he did not have the information at this time, that the budget was still being analyzed.

Mr. Shepperd asked if trash pick up would occur in the area of Hampton Highway and Big Bethel Road when the grass mowing resumed.

Mr. Mazur explained the process of trash removal and grass mowing and who was responsible for the trash pick up.

Mr. Shepperd mentioned the proposed widening of roads near Big Bethel Road and Cary's Chapel Road. He asked if the citizens would have the opportunity to review the engineering diagrams before construction began.

Mr. Mazur explained that a notice for these projects was advertised in the newspaper in August, 2001.

Mr. Shepperd advised Mr. Mazur of some drainage concerns at the intersection of Calthrop Neck Road and Victory Boulevard, and he asked VDOT staff to take a look at the area.

Mr. Zaremba spoke on the recent fatalities at the intersection of Centerville Road and Route 5 in James City County. He asked what procedures were required in order to have a traffic signal installed at that intersection.

Mr. Mazur explained the guidelines for traffic signals, which are listed in a federal publication, the Manual for Uniform Traffic Control Devices.

Mr. Zaremba expressed his safety concerns for the intersection of the new Mooretown Road and Lightfoot Road. He stated that many accidents had occurred there as well.

Mr. Mazur suggested that a letter be sent to VDOT stating those safety concerns, which should prompt an investigation.

Chairman Wiggins noted there was an on-going problem with drainage in the York Point Drive area. He suggested that a long-term solution to the drainage problem be developed rather than VDOT continuing to pump the area as a temporary solution.

## **PRESENTATIONS**

### **INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Wiggins introduced and welcomed Ms. Lynn DiVito to the York County Historical Committee, and presented her with a Boards and Commissions Handbook and a York County pin.

### **ZWEIBRUCKEN STUDENT EXCHANGE PROGRAM**

Ms. Sandy Hespe, York County School Division, outlined the plans for the Zweibrucken, Germany, students' visit to York County. She then asked them to come forward with their sponsors and introduce themselves. The delegation consisted of::

Petra Sturmer	Susanne Schuler
Johannes Schmidt	Carola Nebe
Teresa Lenz	Anne Bamberg
Andreas Witt	Thomas Bach
Sebastian Bodner	Irina Lutz
Teacher Chaperone:	Ute de Zambrano-Patocka.

Chairman Wiggins, on behalf of the Board and the citizens of York County, welcomed the students to York County.

### **YORK COUNTY WETLANDS BOARD**

Mr. David Rolston, Chairman of the York County Wetlands Board, provided a video presentation to update the Board of Supervisors on the Wetlands Board. He explained that the majority of wetlands violations resulted from lack of awareness rather than malicious intent. He stated the Wetlands Board put together a video to help educate the public on the value and history of the wetlands, and it informs viewers which offices and agencies are involved in the permitting process, as well as some of the techniques used to control erosion. He stated the York County Wetlands Board received grants from two sources: The Chesapeake Bay Restoration Fund and Virginia Peninsula Association of Realtors. He mentioned that most of the filming was done in York County.

#### NEIGHBORHOOD OF THE YEAR AWARDS

Mr. Zaremba presented representatives of the following communities with a "Neighborhood of the Year" plaque for 2002, commending each neighborhood's specific area of recognition.

Williamsburg Commons	Neighborhood Safety
Queens Lake	Neighborhood Beautification
York Point	Community Cooperation

#### CITIZENS COMMENT PERIOD

Chairman Wiggins reminded the citizens that their voice does matter to the Board, and he cited an example of the VDOT meetings held concerning the Route 17 widening. He stated that many of the County's citizens showed up to express their opposition to the project. He explained this opposition has now resulted in the VDOT District Office considering a recommendation that the widening plan be cancelled.

Mr. John Lochstampfor, 236 Robanna Drive, stated the citizens felt like the Supervisors were going to do what they wanted, no matter what the citizens' input was. He explained that he appeared at the March 14 budget hearing to suggest that the tax rate be lowered from \$.86 to \$.80. He stated he was now appearing before the Board to suggest that the tax rate be lowered to \$.78.

Mr. Ian McGee, a member of Boy Scout Troop 154, appeared at the meeting to collect current events for a school presentation in order to obtain his Citizenship and Communications merit badges.

Meeting Recessed. At 7:52 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

#### PUBLIC HEARINGS

APPLICATION NO. ZM-65-02, W. H. BOWDITCH, JR.

Mr. Carter provided a video presentation on Application No. ZM-65-02 to reclassify approximately 5.2 acres located at 2430 George Washington Memorial Highway at the intersection of Victory Boulevard from general Business to General Business without conditions. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 02-4.

Chairman Wiggins called to order a public hearing on Application No. ZM-65-02 which was duly advertised as required by law. Proposed Ordinance No. 02-4 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING THE PROPERTY LOCATED AT 2430 GEORGE WASHINGTON MEMORIAL HIGHWAY AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF VICTORY BOULEVARD (ROUTE 171) AND ROUTE 17 FROM CONDITIONAL GB TO GB WITHOUT CONDITIONS

There being no one present who wished to speak concerning the subject Ordinance, Chairman Wiggins closed the public hearing.

Mr. Shepperd expressed his concerns regarding traffic and congestion at the intersection.

Mrs. Noll then moved the adoption of proposed Ordinance 02-4 which reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING THE PROPERTY LOCATED AT 2430 GEORGE WASHINGTON MEMORIAL HIGHWAY AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF VICTORY BOULEVARD (ROUTE 171) AND ROUTE 17 FROM CONDITIONAL GB TO GB WITHOUT CONDITIONS

WHEREAS, W. H. Bowditch, Jr., has submitted Application No. ZM-65-02, which requests the removal of an existing proffered condition limiting the parcel's use to a new and used automobile dealership by reclassifying an approximately 5.2-acre parcel from conditional GB (General Business) to GB without conditions. The property is located at 2430 George Washington Memorial Highway and is further identified as Assessor's Parcel No. 37-43; and

WHEREAS, said application has been forwarded to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of March, 2002, that Application No. ZM-65-02 be, and it hereby is, approved to remove a previously proffered zoning condition that limits the use of an approximately 5.2-acre parcel

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located at 2430 George Washington Memorial Highway, to a new and used automobile dealership. The property is located at the northeast quadrant of the intersection of Victory Boulevard (Route 171) and Route 17, and further identified as Assessor's Parcel No. 37-43.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,  
Nay: (0)

APPLICATION NO. UP-592-02, HUBBARD PET CREMATION, INC.

Mr. Carter provided a video presentation on Application No. UP-592-02 requesting a use permit to authorize a pet crematorium within an existing building located at 201 Production Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-50.

Mrs. Noll stated this business would be in her district, and she was comfortable with the proposed business.

Mr. Shepperd asked why a special use permit was requested.

Mr. Carter explained the previous use was one that was not permitted as a matter of right. He further explained that characteristics such as the incinerator, and the possibility for emissions and noise made this the type of use that should be subject to a Special Use Permit review.

Mr. Shepperd asked if the facility would produce an objectionable odor.

Mr. Carter explained if the neighbors had a complaint about an odor, the County would be able to take action under the General Performance Standards. He then explained the furnace operation of the facility.

Discussion ensued on the subject application and the role of the Department of Environmental Quality with regard to the regulations.

Mr. Brian Hubbard, the applicant, appeared to answer any of the Board's questions. He complimented the staff in its efforts to help him make the transition. He stated his company serviced the veterinarians on the Peninsula and that they also operated a few other businesses in addition to the crematorium.. He stated there is a freezer system in which the pets are kept and that approximately one hundred pets are cremated per month. He then explained how the furnace system operated.

Chairman Wiggins then called to order a public hearing on Application UP-592-02 which was duly advertised as required by law. Proposed Resolution R02-50 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL  
USE PERMIT TO AUTHORIZE A PET CREMATORIUM IN THE  
BETHEL INDUSTRIAL PARK

There being no one present who wished to speak concerning the subject Resolution, Chairman Wiggins closed the public hearing.

Chairman Wiggins stated he had not had the opportunity to go by and look over the facility and stated he had a problem with it until he could see it personally. He suggested the Board table the application.

Mrs. Noll empathized with Chairman Wiggins but stated since it was a regulated business, she felt they should move forward with the vote.

Mr. Zaremba asked Mr. Hubbard if a few weeks' delay would be detrimental to his operation.

Mr. Hubbard stated it would not be detrimental, but he would like to move forward.

Mr. Shepperd stated he felt this application had some emotional issues surrounding pets, but he agreed with Mrs. Noll that this was a business that has met all the requirements.

Mr. Burgett stated he had no objection to the facility.

Mrs. Noll then moved the adoption of proposed Resolution R02-50 which reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL  
USE PERMIT TO AUTHORIZE A PET CREMATORIUM IN THE  
BETHEL INDUSTRIAL PARK

WHEREAS, Hubbard Pet Cremation, Inc. has submitted Application No. UP-592-02 requesting a Special Use Permit to authorize the establishment of a pet crematorium on a parcel of land located at 201 Production Drive (Route 799) and further identified as Assessor's Parcel No. 37B-2-28; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of March, 2002, that Application No. UP-592-02 be, and it is hereby, approved subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a pet crematorium on a parcel of land located at 201 Production Drive (Route 799) and further identified as Assessor's Parcel No. 37B-2-28.
2. Operation of the crematorium shall be contingent upon the issuance by the Virginia Department of Environmental Quality (DEQ) of the necessary air emissions permit(s). Prior to the commencement of the operation of the crematorium, the applicant shall

provide the Zoning Administrator with a copy of said permit(s), or some other evidence that said permit(s) has been obtained, to be kept on file with this resolution. Failure to secure such a permit within two years of the adoption of this resolution, or revocation of said permit by the DEQ for any reason, shall result in the automatic and immediate revocation of this use permit.

3. Operation of the crematorium shall be conducted so as not to produce hazardous, objectionable, or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire, or explosion.
4. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Zaremba  
Nay: (1) Wiggins

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett spoke concerning the County's legislative requests which were considered by the recent session of the General Assembly. He stated that out of the twelve or so items requested, only House Bill 349 dealing with annexation was passed. He explained that the Redistricting Plan that was adopted last year was pre-cleared by the United States Department of Justice. He informed the Board that he and the Assistant County Attorney would be at a seminar in Portsmouth on Friday, Saturday, and Sunday.

Mr. Zaremba, with regard to the County's legislative requests, recommended better coordination of the requests with the County's legislators in an effort to get their direct feedback and to encourage better success rates.

Mrs. Noll expressed her agreement with Mr. Zaremba that a meeting with the County's representatives should be scheduled. She felt that the County had gone against the tide with the items requested due to the budget cuts.

Chairman Wiggins stated he had met with Mr. Norment who was willing to meet with the Board and offer suggestions for improvement.

Mr. Shepperd expressed his agreement that the Board should meet with the County's representatives, and he suggested they focus on fewer items.

Mrs. Noll asked if a bill was passed to have an independent agency set up which would help mentally disabled citizens.

Mrs. Anne Smith, Director of Community Services, explained that such an agency already existed and that it was part of state government set up to look at the rights of Virginians with disabilities, particularly those in the mental health system. She explained the agency has

become totally separate and will be able to function completely independently. The name of the agency is now the Virginia Office of Protection and Advocacy.

### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board of its budget work sessions which are scheduled on 21, 26, and 28 March. He stated the work session on the 28<sup>th</sup> was tentatively scheduled. He announced that the Wal-Mart site plan was approved for the facility to be located on East Ro-chambeau Drive. He mentioned a letter regarding the road projects that staff had recommended for participation in the Revenue Sharing Program, and asked if there were any objections to the Chairman's endorsement of the letter.

By consensus, the Board agreed to the Chairman signing the letter regarding the Revenue Sharing Program.

Mr. McReynolds also discussed the Board's Retreat and asked for approval of the Yorktown Trolley Schedule so that it may be published. He then announced that the Citizen's Institute Program would begin on Thursdays during the month of May from 9:30 – 11:30 a.m. in York Hall.

Mr. Shepperd was concerned with the Mansion Road issue of eighty or more homes being built on such a narrow road. He felt that would be a problem for the Board to deal with later on.

Mr. McReynolds stated that Mansion Road was not one of the projects that was proposed for the Revenue Sharing Program at this time.

### **MATTERS PRESENTED BY THE BOARD**

Mr. Burgett announced that a meeting would take place at VDOT on March 21 at 9:00 a.m. on the Parking Ordinance for commercial vehicles in residential neighborhoods. He stated Mr. Mark Carter would be attending the meeting, and he encouraged the citizens from York Crossing to attend also.

Mr. Shepperd referred to Mr. Lochstampfor's comment during Citizen's Comment period and his frustration in getting the Board members to listen to the citizens' input. He stated the Board members were very interested in listening to the citizens' comments and ideas. He mentioned the trash and debris that accumulates along Hampton Highway and Big Bethel Road and encouraged citizens to help eliminate trash along streets and roadways. He spoke on the Adopt-A-Highway Program and encouraged the homeowner's associations and citizens to participate in this program.

Mr. Zaremba reminded the Yorktown Landowner's Group that its meeting would take place on March 20 at 7:00 p.m. in York Hall. He mentioned the superior school system that the County offered and the recent editorial article in the Virginia Gazette reflecting the school system. The article compared James City County's and York County's school expenditures, with James City County spending twenty-one percent more than York did. The article also stated that York's test scores consistently surpassed James City County's scores. He felt the partnership between the teachers, parents, and the students made the school system a success.

### **CONSENT CALENDAR**

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Mr. Shepperd asked that Item No. 5 be removed from the Consent Calendar.

Mr. Zaremba asked that Item No. 6 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3 and 4, respectively.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins  
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

February 19, 2002, Adjourned Meeting  
February 19, 2002, Regular Meeting

Item No. 4. APPROVAL OF PROCUREMENT: Resolution R02-57.

A RESOLUTION TO RENOVATE BRUTON AND TABB FIRE STATIONS, PROFESSIONAL DESIGN SERVICES FOR SANITARY SEWER IN MARLBANK FARMS, AND MODIFICATIONS TO THE SEAFORD VACUUM STATION

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2002, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following two procurements:

	<u>AMOUNT</u>
Bruton and Tabb Fire Station Renovations	\$236,600
Marlbanks Farms Area Sanitary Sewer Project	375,000
Seaford Vacuum Station Modifications	32,450

Item No. 5. EXTENSION OF THE COUNTY'S VACUUM SEWER SYSTEM: Proposed Resolution R02-56 (Removed from the Consent Calendar).

Mr. Shepperd asked when the new sewer connection fees were scheduled to go into effect.

Mr. John Hudgins, Director of Environmental and Developmental Services, stated the fees were projected to go into effect the first of July. He mentioned that staff was in the process of revising the sewer code, and part of that revision included fee increases. He projected having the fees at the next Board meeting.

Mr. Shepperd asked about the \$2,500 inspection service and cost of operation. He then asked if that was for residential homeowners.

Mr. Hudgins stated it was part of the sewer specifications and that it wasn't in the code itself. He further stated it was for a subdivision sewer system development or pump station development.

Mr. Shepperd then moved the adoption of proposed Resolution R02-56 which reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S VACUUM SEWER COLLECTION SYSTEM TO A PROPOSED SUBDIVISION OF PROPERTY ON RAILWAY ROAD, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Robert Sgroi and Lettie Sgroi have requested that the County allow the extension of vacuum sewer collection system to support a proposed Subdivision on Assessor's Parcel No. 25-434; and

WHEREAS, the subdivision will create two 1.09 acre lots from a single 2.18 acre parcel; and

WHEREAS, upon approval of the subdivision's development plan, the developer will have to enter into a public sewer extension agreement pursuant to § 18.1-53(b) of the York County Code to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's vacuum sewer collection system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, the Board has determined that the proposed development will not have any detrimental effect on the environment that would not otherwise occur; and

WHEREAS, the developer will pay to the County the applicable inspection and connection fees in accordance with the terms of Chapter 18.1 of the York County Code and the Sanitary Sewer Standards and Specifications; and

WHEREAS, prior to any further engineering or development of these plans, it is necessary that a determination be made as to whether the Board will authorize the extension of the vacuum sewer collection system to serve the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of March, 2002, that the Board approves the extension of the County's vacuum sewer collection system to serve the proposed subdivision, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the developer for the proposed extension; such agreement to be approved as to form by the County Attorney.

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On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins

Nay: (0)

Item No. 6. SEWER EXTENSION AGREEMENT – WAL-MART: Proposed Resolution (Removed from the Consent Calendar)

Mr. Zaremba asked who was responsible for the expense of the pump station.

Mr. Hudgins stated the expense was part of the Capital Improvement Plan. He further explained that they had a regional pump station, and the idea was to have the first developer that moved into the area design and construct a pump station under the County's specifications. It would later be turned over to the County to operate. The County would reimburse the developer, in this case Wal-Mart, for the cost and construction of the station, minus its contribution and flow that goes through the station.

Mr. Zaremba asked if the cost element would be a wash for the County because there are several entities that will come along, and would the County wind up paying a share that collectively adds up to the cost of \$425,000.

Mr. Hudgins stated once the whole service area was fully developed the County would recover all of the costs of the facility.

Mr. Zaremba then moved proposed Resolution R02-67 which reads:

A RESOLUTION TO AUTHORIZE A COST PARTICIPATION  
AGREEMENT WITH WAL-MART FOR THE CONSTRUCTION OF A  
REGIONAL SEWERAGE PUMP STATION

WHEREAS, Wal-Mart has submitted development plans for the Cedar Valley Retail Center; and

WHEREAS, the development of the proposed development requires the construction of a regional sewer pump station; and

WHEREAS, Wal-Mart has agreed to finance the construction of the regional sewer pump station; and

WHEREAS, Wal-Mart shall be reimbursed by the County in accordance with the Cost Participation Agreement for the construction of the Cedar Valley Pump Station;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2002, that the Board approves the Cost Participation Agreement with Wal-Mart for the construction of the Cedar Valley Pump Station to serve the proposed development, Cedar Valley Retail Center, and that the County Administrator be, and he hereby is, authorized to execute the Cost Participation Agreement with Wal-Mart; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins  
Nay: (0)

## **NEW BUSINESS**

### **PARK FACILITIES PLANNING SERVICES**

Mrs. Anne Smith, Director of Community Services, made a presentation on proposed Resolution R02- 55 to approve a three-year call contract for professional services with Vanasse Hangen Brustlin, Inc. She explained the work under the call contract would be done within any funds appropriated by the Board and according to County procurement policy.

Mr. Shepperd questioned why the County would need a call contract.

Mrs. Smith stated the benefits would be not having to pay for any services that they don't actually use and, at this point, they weren't sure how many of the studies would be necessary.

Mr. Zaremba asked what the requirements were at New Quarter Park that would necessitate hiring the engineering company that has been suggested. He mentioned the botanical gardens and was not aware of any requirement that the Board had to make a decision on whether a botanical garden would be beneficial to the County and the region. He stated the Board had not identified what it was they wanted to use the park for.

Mrs. Smith stated this was the master planning effort that the Board had authorized staff to proceed with and this was the vehicle by which they will be able to develop a master plan for the park.

Mr. Zaremba stated when the \$30,000 was appropriated, it was his understanding that it would be used to identify the uses of the facility.

Mrs. Smith advised that was what the contract was for, to identify where facilities could be placed depending on the environmental factors, wetlands, etc. She stated this was a part of the master plan, and she addressed the need for a professional service to ensure compatibility with the park's environmental concerns.

Discussion ensued on the plan and uses for the park.

Mr. Zaremba suggested staff identify a requirement within the capability of the County, or hire a company if it is needed to identify what the County's requirement is, and then turn to the VHB's of the world to make a determination to provide the Board with the info it needs to see if the fit is consistent with the environment..

Mrs. Smith stated she felt that was what staff was proposing to do.

Mr. McReynolds explained staff was trying to define the environmental constraints and the best way to access the park, and then approach the Board on how it would like to see the park developed.

Mr. Shepperd asked why it had to be on a call contract.

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Mr. McReynolds stated a call contract was necessary because it would allow the flexibility needed to deal with complex environmental and access issues and park design once the Board had decided how the park should be developed.

Discussion ensued on the use of the park facility.

Mr. Zaremba stated he felt the Board should have some citizen input on the use of the park rather than have a consultant tell the citizens what they want.

Mrs. Smith explained that staff doesn't know at this point what facilities could be placed in the park.

Mr. Zaremba stated he would like to see the Request for Proposal (RFP) before the Board voted, and he suggested tabling the matter.

Chairman Wiggins stated he had two areas of concern, the congested traffic in that area and what the environmental study would reveal.

Mr. Zaremba stated he would like to see a well-defined requirement against which the contractor should perform.

Mr. Burgett noted that this Board and previous Boards had used call contracts for many things, and it was a common procedure. He agreed to tabling the matter until Mr. Zaremba was comfortable with the RFP.

Mrs. Noll stated she was also in agreement to table the issue.

Mr. Zaremba then moved that proposed Resolution R02-55 be tabled.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins  
Nay: (0)

#### MINOR MODIFICATION – APPLICATION NO. UP 531-98

Mr. Carter made a presentation on proposed Resolution R02-53 to approve a minor amendment to Special Use Permit No. UP-531-98 to authorize an increase in height of a self-supporting monopole communications tower with associated equipment at York County Fire Station No. 6, from a height of 150 feet to 160 feet.

Mr. Burgett moved the adoption of proposed Resolution R02-53 which reads:

A RESOLUTION TO APPROVE A MINOR AMENDMENT TO SPECIAL  
USE PERMIT NO. UP-531-98 TO AUTHORIZE AN INCREASE IN  
HEIGHT OF A SELF-SUPPORTING MONOPOLE COMMUNICATIONS  
TOWER WITH ASSOCIATED EQUIPMENT, AT YORK COUNTY FIRE  
STATION NO. 6, FROM A HEIGHT OF 150 FEET TO 160 FEET

WHEREAS, VoiceStream Wireless has submitted a request seeking an amendment to Special Use Permit No. UP-531-98, pursuant to Section 24.1-115(d)(2) of the York County Zon-

ing Ordinance, to authorize an increase in height of a freestanding monopole communications tower with associated equipment from a height of 150-feet to 160 feet in total height on the parcel located at 503 Back Creek Road (Fire Station No. 6) and further identified as Assessor's Parcel No. 25-205; and

WHEREAS, the Board has carefully considered the recommendations of the staff with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of March, 2002, that Special Use Permit No. UP-531-98 be, and it is hereby, amended to authorize a 10-foot increase in height of an existing 150-foot freestanding monopole communications tower with associated equipment at 503 Back Creek Road (Fire Station No. 6), subject to the following conditions, as amended and restated:

1. This use permit shall authorize the construction and maintenance of a freestanding monopole communications tower, with associated equipment, which shall not exceed 160 feet in height.
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall substantially adhere to the plan submitted by the applicant, dated October 24, 2001, a copy of which is located in the application files for this request maintained by the York County Department of Environmental and Development Services. In addition, as part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmission for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
3. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations. No building permit for the tower authorized by this special use permit shall be issued until the applicant provides evidence that the Federal Aviation Administration (FAA) has granted a permit for said tower, if one is required.
4. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
5. Advertising or signage on the tower shall be prohibited, except for warning signs associated with the operation of the tower or its equipment.

6. As part of the site plan submittal, a landscape plan shall be included which is consistent with Section 24.1-242 of the Zoning Ordinance. The base of the tower, including related equipment, shall be screened from view utilizing evergreen planting material or material deemed acceptable by the County.
7. The equipment building and associated equipment shall be completely enclosed by a security fence.
8. The applicant shall comply with all performance standards specified in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance
9. The communication tower shall have a galvanized finish that is grey in color. No lighting or multi-color painting shall be authorized without approval of the York County Board of Supervisors by resolution.
10. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower without approval of the York County Board of Supervisors by resolution. Photo simulations of the visual impacts of such antennae shall be provided to the Board prior to its decision.
11. The maintenance access road used to support the tower shall be constructed to the satisfaction of the York County Fire and Life Services Department and the York County Department of General Services.
12. The communications tower shall be structurally designed and constructed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. The applicant shall reserve at least one (1) space on the tower for two (2) antennae for use by the County. Both the reservation for the County and the use by the County shall be at no cost to the County for as long as the County uses the tower. Should FAA requirements preclude a 150-foot height request, the tower shall be permitted at such lower height approved by the FAA.
13. If at any time the communications tower shall cease its operation, the property owner shall dismantle and remove the tower within six (6) months from the date the tower ceases to operate, unless the owner shall present evidence satisfactory to the Zoning Administrator that a binding lease with another wireless user has been executed or will be within a reasonable period of time.
14. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins  
Nay: (0)

**CLOSED MEETING.** At 9:52 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins  
Nay: (0)

Meeting Reconvened. At 9:58 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM  
OF INFORMATION ACT REGARDING MEETING IN CLOSED  
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of March, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins  
Nay: (0)

APPOINTMENT TO THE YORK COUNTY HISTORICAL COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R02-61(R) which reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE YORK  
COUNTY HISTORICAL COMMITTEE

WHEREAS, Margaret Cook, Jr. has submitted her resignation as a member of the York County Historical Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2002, that Rebecca Rolston be, and are hereby, appointed to the York County Historical Committee as an associate member.

March 19, 2002

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins  
Nay: (0)

APPOINTMENT TO THE YORK COUNTY BEAUTIFICATION COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R02-22 which reads:

A RESOLUTION TO APPOINT MEMBERS TO THE 2002 YORK  
COUNTY BEAUTIFICATION COMMITTEE

BE IT RESOLVED by the York County Board of Supervisors this 19<sup>th</sup> day of March, 2002, that the following individuals be, and they are hereby, appointed as voting members to the York County Beautification Committee for 2002, such appointments to take effect January 1, 2002, and expire on December 31, 2002.

Don E. Avery	Bernice Little
Cindy Barbeau	Harold Murrow
Carole Ferro	Leona Self
Robert T. Hornsby, Jr.	Lanna T. Rackley
Norma Jackson	Richard E. Wallsom
	Selma Webb-MacCardell

BE IT FURTHER RESOLVED that the following non-resident individual be appointed as non-voting associate member to the York County Beautification Committee for 2002, such appointment to take effect January 1, 2002, and expire on December 31, 2002.

Evelyn W. Parker

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins  
Nay: (0)

APPOINTMENT TO THE YORK COUNTY TRANSPORTATION SAFETY COMMISSION

Chairman Wiggins moved the adoption of proposed Resolution R02-51 which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY  
TRANSPORTATION SAFETY COMMISSION

WHEREAS, Samuel H. Sparrer will complete his term on the York County Transportation Safety Commission on March 31, 2002;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19<sup>th</sup> day of March, 2002, that the following individual be, and is hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin on April 1, 2002 and expire on March 31, 2005:

Samuel Sparrer

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins  
Nay: (0)

APPOINTMENT TO THE PARKS AND RECREATION ADVISORY BOARD

Mr. Shepperd moved the adoption of proposed Resolution R02-59 which reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE PARKS  
AND RECREATION ADVISORY BOARD

WHEREAS, a vacancy exists on the York County Parks and Recreation Advisory Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2002, that William Euker be, and is hereby, appointed to the York County Parks and Recreation Advisory Board to fill the unexpired term of Karen Wood, such term to begin immediately and end December 31, 2003.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins  
Nay: (0)

APPOINTMENT TO THE YORK COUNTY ARTS COMMISSION

Mr. Burgett moved the adoption of proposed Resolution R02-54 which reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE YORK  
COUNTY ARTS COMMISSION

WHEREAS, Barbara Henry has submitted her resignation as a member of the York County Arts Commission;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2002, that Donna Lushbaugh be, and is hereby, appointed to the York County Arts Commission to fill the unexpired term of Barbara Henry, such term to begin immediately and end July 31, 2003.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins  
Nay: (0)

Meeting Adjourned. At 10:00 p.m. Chairman Wiggins declared the meeting to 6:00 p.m., March 21, 2002, in the East Room, York Hall, for the purpose of conducting a work session.

March 19, 2002

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James O. McReynolds, Clerk  
York County Board of Supervisors

Donald E. Wiggins, Chairman  
York County Board of Supervisors